

HUMAN SERVICES

Child Welfare		
HB 08-1005 <i>(Enacted)</i> Collaborative Management Services Human Services	HB08-1391 <i>(Enacted)</i> Mental Health Services Child Abuse Pilot	HB 08-1404 <i>(Enacted)</i> Study & Review Child Welfare System
Individuals with Developmental Disabilities		
HB 08-1031 <i>(Enacted)</i> Developmentally Disabled Waiting List Navigator	HB 08-1047 <i>(Enacted)</i> State Set Asides for Severely Disabled	HB 08-1072 <i>(Enacted)</i> Medicaid Buy-in for Disabled Persons
HB 08-1101 <i>(Enacted)</i> Developmental Disabilities Waiting List for Services	HB 08-1127 <i>(Enacted)</i> Developmentally Disabled Employee Income Tax Credit	HB 08-1167 <i>(Enacted)</i> Health Care for Vulnerable Populations
HB 08-1246 <i>(Enacted)</i> Abuse Caregiver Registry Developmentally Disabled	SB 08-002 <i>(Enacted)</i> Family Caregiver Developmentally Disabled	SB 08-004 <i>(Enacted)</i> State Employment of Persons with DD
SB 08-005 <i>(Enacted)</i> Supported Employment Outcomes Developmentally Disabled	SB 08-163 <i>(Enacted)</i> Autism Commission	SB 08-165 <i>(Enacted)</i> Advisory Council Persons with Disabilities
Colorado Works		
SB 08-177 <i>(Enacted)</i> Colorado Works Program Omnibus		
Child Care		
HB 08-1229 <i>(Enacted)</i> Substitute Provider Family Child Care Home	HB 08-1265 <i>(Enacted)</i> Eligibility Child Care Assistance Program	SB 08-210 <i>(Enacted)</i> Child Care County Reimbursement Rates
Foster Care		
HB 08-1006 <i>(Enacted)</i> Foster Care Sibling Visits	SB 08-099 <i>(Enacted)</i> Extend Medicaid Foster Care	
Child Support		
HB 08-1342 <i>(Enacted)</i> Child Support Enforcement Procedures	SB 08-183 <i>(Enacted)</i> Paternity DNA Testing Child Support	

During the 2008 Legislative Session, the General Assembly considered a variety of bills related to human services, public assistance programs, and family and domestic matters. Specific topics included funding to address problems in the child welfare system, programs for individuals with developmental disabilities, child care assistance, measures addressing children in foster care, the Colorado Works Program, and child support.

Child Welfare

The General Assembly adopted two bills relating to Colorado's system of child welfare. **House Bill 08-1391** creates a pilot program to screen children ages four through ten who have been the victim of a substantiated case of child abuse or neglect, and their siblings, for mental health issues. Those children who are identified as in need of services may receive mental health treatment through the pilot program. The pilot program will be established in a minimum of three counties in Colorado beginning July 1, 2009, and will last for three years. At the end of the pilot, the Department of Human Services is required to conduct an evaluation of the program.

On April 16, 2008, Governor Ritter issued an executive order creating the Child Welfare Action Committee. The mission of the committee is to provide recommendations to the Governor on how to improve the child welfare system in Colorado. The committee is to prepare an interim report of its activities and recommendations by October 31, 2008, and a final report must be submitted to the Governor by December 31, 2009. **House Bill 08-1404** requires the Department of Human Services to provide periodic reports to the House and Senate Health and Human Services Committees and the Joint Budget Committee regarding the findings and recommendations of the Child Welfare Action Committee. The first report is to be made by January 31, 2009. The bill also provides funding to support the committee and to implement the recommendations of the committee, and permits the Department of Human Services to require county departments of social services to report information on employees of the county department, including names, qualifications, work schedules, training, evaluations, and corrective and disciplinary actions.

In 2004, the General Assembly passed legislation allowing certain agencies and county departments of social services to enter into memorandums of understanding regarding the provision of services to children and families. **House Bill 08-1005** makes a variety of changes to the process of developing the memorandums of understanding, including permitting Behavioral Health Organizations, the Division of Youth Corrections within the Department of Human Services, and managed service organizations for drug and alcohol abuse to participate in the memorandums of understanding. In addition, the bill permits the Department of Human Services to conduct ongoing external evaluations of the counties that have entered into memorandums of understanding, as well as counties that have not, and requires the department to develop training for counties who have entered into or are interested in entering into memorandums of understanding.

Individuals with Developmental Disabilities

During the 2007 interim, the Interim Committee on Long-term Services and Supports for Persons with Developmental Disabilities recommended a number of bills related to services for individuals with disabilities. These bills, along with a variety of measures concerning persons with developmental disabilities, were considered by the legislature in 2008. Specific topics addressed included employment opportunities for individuals with developmental disabilities, services and caregivers for individuals, and creating various commissions and working groups to further explore issues related to individuals with developmental disabilities.

Employment opportunities. The General Assembly considered five bills designed to increase employment opportunities for individuals with developmental disabilities.

Senate Bill 08-005 creates a pilot program in the Division of Vocational Rehabilitation within the Department of Human Services to implement an outcome-based employment model for persons with developmental disabilities and to recommend a payment system for supported employment services for persons with developmental disabilities. The Department of Human Services is required to develop the pilot program in consultation with community centered boards, providers, persons receiving services, various divisions within the department, and other experts. The pilot program is to begin by March 30, 2009, and must end by March 30, 2011.

Senate Bill 08-004 creates the State Employment Program for Persons with Developmental Disabilities within the Department of Human Services. The purpose of the program is to coordinate the hiring of interested persons with developmental disabilities into appropriate and meaningful state employment opportunities. The Department of Human Services and the Department of Personnel and Administration are required to convene a working group to study and recommend how the state's policies with regard to hiring persons with developmental disabilities can be improved. The working group is to make recommendations by January 1, 2009. If the working group finds that statutory or constitutional changes are necessary to implement the State Employment Program for Persons with Developmental Disabilities, the program may not be implemented until the General Assembly has considered the necessary changes or the changes have been adopted by the voters. If the working group finds that no statutory or constitutional changes are necessary, the state Board of Human Services and the state Personnel Board are authorized to promulgate rules to implement the program.

House Bill 08-1047 creates a set aside program to allow nonprofit agencies that employ persons with severe disabilities to bid to provide certain types of state services. The nonprofit agency must first apply to the Department of Human Services to become a self-certified vendor. The department is to maintain a list of self-certified vendors and the Department of Personnel and Administration is to distribute the list to each state agency. The Department of Human Services, after meeting with the state personnel director, must create a set-aside list of the services that self-certified vendors may bid to perform. State agencies intending to solicit bids for services included on the services set aside list must first solicit bids from self-certified vendors. If no self-certified vendors bid on the services, the agency may solicit bids from other vendors.

House Bill 08-1127 allows employers of persons with developmental disabilities who are hired on and after January 1, 2009, and who work in Adams, Arapahoe, El Paso, Jefferson, Logan, Montrose, and Morgan counties to claim an income tax credit. The credit is applicable for income tax years 2009 to 2011, and is equal to 50 percent of gross wages paid to the employee in the first three months of continuous employment; and 30 percent of gross wages paid in the subsequent nine months. The credit will be not be allowed for the 2009, 2010, or 2011 tax years if there will not be sufficient General Fund revenues in those years to reach the 6 percent limit on General Fund appropriations. In addition, the credit cannot be claimed more than once for the same employee.

Oftentimes, disabled persons who work may lose Medicaid coverage if their earnings are too high. **House Bill 08-1072** directs the Department of Health Care Policy and Financing to request federal authorization to implement a Medicaid Buy-in Program for individuals with disabilities. Under the program, a person with a disability would pay a premium for Medicaid coverage on a sliding scale based upon his or her income. Prior to requesting federal authorization to implement the program, the Department of Health Care Policy and Financing is to conduct an actuarial study of the disabled population in the state. The department is required to submit a report of the study

and a fiscal analysis of the premiums for the buy-in program to the Joint Budget Committee. If approved by the committee, the department must submit an application to the Federal Health Care Financing Administration to permit the state to implement the buy-in program.

Services for persons with developmental disabilities. The General Assembly considered one bill expanding the services offered to persons with developmental disabilities and another concerning funding for services.

Individuals with developmental disabilities often must wait for years prior to receiving services, due to a lack of funding. Individuals who are waiting for services often receive little to no case management services while they are waiting. **House Bill 08-1031** requires the Department of Human Services, in consultation with community centered boards, to develop and create a pilot navigator program. The pilot program is to be implemented in one or more community centered board regions in the state and is to explore the feasibility of establishing a statewide pilot navigator program to assist persons with developmental disabilities who are waiting for services. As part of the pilot program, the department is to study the effectiveness of helping individuals and families understand the waiting list process, providing families and individuals with information about the individual's place on the waiting list, and assisting individuals and families to find and choose appropriate services while they are waiting for services. The program is to be implemented on or before November 1, 2008, and the department is required to report on the program to the House and Senate Health and Human Services Committees by November 1, 2009.

House Bill 08-1101 creates the Developmental Disabilities Services Cash Fund to consist of moneys appropriated by the General Assembly. During each regular session of the General Assembly, the Joint Budget Committee and the House and Senate Health and Human Services Committees must hold a joint hearing on the status of the waiting lists for services for persons with developmental disabilities. The goal of the hearing is to propose an appropriation from the General Fund to the Developmental Disabilities Services Cash Fund in an amount equal to 2 percent of the amount by which total state General Fund appropriations may increase over the prior fiscal year, pursuant to the 6 percent limit on General Fund appropriations. The Department of Human Services and the Department of Health Care Policy and Financing may use the moneys in the Developmental Disabilities Services Cash Fund to fund program costs for specific services for persons with developmental disabilities, with a goal to reduce the number of persons on the waiting lists for such services.

Service providers. The General Assembly considered three bills specifically relating to caregivers for individuals with developmental disabilities. **Senate Bill 08-002** permits qualified family caregivers to provide services to persons with developmental disabilities, if the provision of services by the family caregiver would allow persons with developmental disabilities to receive services in the least restrictive environment. Family caregivers must work through a program-approved service agency.

House Bill 08-1167 enacts a number of protections and services for individuals with disabilities. With regard to persons with developmental disabilities, the bill prohibits the Department of Human Services, community centered boards, and service agencies from discriminating against clients with developmental disabilities because of complaints, participation in dispute resolution procedures, and exercising certain rights.

House Bill 08-1246 requires the Department of Human Services to convene a working group to develop a plan to implement a registry of caregivers who have had a substantiated allegation of exploitation, mistreatment, neglect, physical abuse, or sexual abuse of a person with a developmental disability. The working group may consider similar models that have been implemented in other states, and must consider existing processes and best practices regarding the creation of a registry, issues related to family caregivers, the acts that constitute a substantiated allegation of abuse, due process rights for caregivers, the investigation process for allegations of abuse, and other items. The working group must report its recommendations to the Senate and House Health and Human Services Committees by January 30, 2009.

Commissions. The General Assembly adopted two bills to create commissions to further address issues of persons with disabilities, including developmental disabilities. **Senate Bill 08-163** creates a 24-member commission to study issues related to autism and to develop a ten-year strategic plan to address the growing number of individuals with autism. The commission is to convene no later than September 8, 2008, and must issue its final report no later than October 1, 2009. The Department of Human Services must designate a nonprofit organization as the custodian of the funds for the commission, and all costs related to the commission are to be paid through gifts, grants, and donations.

Senate Bill 08-165 codifies the Colorado Advisory Council for Persons with Disabilities within the Governor's Office. The council is to consist of no more than 20 members appointed by the governor, and is to meet at least four times per year, beginning September 1, 2008. The council's duties are to coordinate with state boards and advisory councils relating to persons with disabilities, issue an annual report on the state's programs and policies for persons with disabilities, monitor the state's implementation of portions of the Americans with Disabilities Act, and to act as an additional entry point for public grievances on disability issues.

Colorado Works

Colorado Works is the name of Colorado's Temporary Assistance to Needy Families (TANF) program. The federal TANF program provides block grants to states to provide welfare and other temporary assistance benefits to low-income residents. **Senate Bill 08-177** makes a number of changes to the Colorado Works program, including the following.

- The State Board of Human Services is required to increase the basic cash assistance grant by at least 20 percent, and is authorized to increase the grant by up to 30 percent.
- Currently, counties are permitted to retain the portion of their county block grants that they do not spend in a given fiscal year and to hold these funds in reserve. Some concern has been raised that some counties' reserves are too high and that the funds should be used to provide or augment services for TANF recipients. Senate Bill 08-177 requires that counties transfer a portion of their reserves to the state to be used for specific purposes. Upon the conclusion of FY 2008-09, counties are required to remit to the Colorado Long-term Works Reserve any unspent TANF reserves in excess of 70 percent of the county block grant received in the prior fiscal year. Upon the conclusion of FY 2009-10, counties are required to remit TANF reserves in excess of 55 percent of the

- prior year's block grant. The percentage reduces to 40 percent at the end of FY 2010-11 and 30 percent at the end of FY 2011-12.
- The bill creates the Colorado Works Program Maintenance Fund to consist of appropriations from the Colorado Long-term Works Reserve. The moneys in the maintenance fund may be used by the executive director of the Department of Human Services to respond to emergencies or otherwise unforeseen situations.
 - The bill creates the Colorado Works Statewide Strategic Use Fund to consist of appropriations from the Colorado Long-term Works Reserve. The moneys in the strategic use fund may be used for specific initiatives and programs that further the purposes of the Colorado Works Program.

Child Care

The Colorado Child Care Assistance Program provides financial assistance to families who are enrolled in the Colorado Works Program, and to other low-income families, who are working or searching for employment and are in need of child care services. The General Assembly considered two bills related to the program. **House Bill 08-1265** permits counties to increase the income eligibility level for the Colorado Child Care Assistance Program from 225 percent of the federal poverty level to 85 percent of the state median income. For a family of four, 225 percent of the federal poverty level is equal to \$47,700 in 2008. It is estimated that 85 percent of the median household income in Colorado in 2008 is approximately \$50,770. **Senate Bill 08-210** creates the Child Care Provider Reimbursement Rate Task Force to consider methods to adopt consistent, statewide child care provider reimbursement rates set at a floor of the seventy-fifth percentile of each county's market rate or the provider's rate, whichever is less. The new rate is intended to increase access to high-quality child care for low-income families. The task force is to make its recommendations by January 30, 2009.

A "substitute child care provider" is an individual who provides care in a family care home in the temporary absence of the licensed provider. **House Bill 08-1229** requires the State Board of Human Services to promulgate rules for certification of substitute child care providers. Prior to certification, substitute providers must have child safety and cardiopulmonary resuscitation training, and submit to a fingerprint-based criminal history records check.

Foster Care

The legislature considered two bills related to children in foster care. In the previous legislative session, Senate Bill 07-002 expanded Medicaid eligibility to young adults, ages 18 to 21, who qualified for federal benefits through the federal Title IV-E program and who aged out of foster care or subsidized adoption programs. **Senate Bill 08-099** expands Medicaid eligibility to young adults, under age 21, for whom the state made subsidized adoption or foster care payments immediately prior to the client turning age 18. These young adults were not eligible for Title IV-E federal funds while in foster care, but received state benefits.

House Bill 08-1006 requires a county department of social services that has legal custody of a child in foster care to arrange visits between the child and his or her siblings if the child and siblings mutually request the visit. A county department is required to deny the request for visitation if it determines that the visit would not be in the best interests of the child or his or her siblings, and to document the reasons for the denial. The bill also specifies that an order terminating the parent-child relationship shall not be deemed to terminate the relationship between siblings.

Child Support

House Bill 08-1342 makes a number of changes related to child support enforcement. Specifically, the bill:

- specifies that a determination of potential parental income should not be made for an incarcerated parent who is serving a term of one year or more;
- removes the requirement that social security numbers appear on child support orders and provides an alternative method of maintaining records of social security numbers;
- specifies that a child born to parents with an existing child support case must automatically be added to the case if certain parameters regarding paternity are met; and
- permits the state to redirect to counties the state's share of child support collections recovered for public assistance recipients.

Senate Bill 08-183 allows an order determining parentage and an order for child support to be modified or set aside if DNA test results establish that the individual named as the father is not the biological parent of the child. Before setting aside or modifying an order determining parentage or an order for child support, the court must make a determination that setting aside or modifying the orders is just and proper under the circumstances and is in the best interests of the child. A motion to modify or set aside an order determining parentage or an order to modify or terminate an order for child support must be filed within two years of the date of entry of the order. An order determining parentage and an order for child support may not be modified or set aside if the individual named in the order acknowledged paternity knowing that he was not the father of the child, the child was adopted by the individual, or the child was conceived by assisted reproduction.